

FILE NO.: Z-1500-B

NAME: Murphy USA Short-form PD-C

LOCATION: Located on the Northwest corner of West 12th Street and
University Avenue

DEVELOPER:

Murphy USA
422 North Washington
El Dorado, AR 71730

ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 1.6 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: I-2, Light Industrial

ALLOWED USES: Industrial

PROPOSED ZONING: PD-C

PROPOSED USE: Convenience Store with fueling pumps

VARIANCE/WAIVERS: Variances from Sections 30-43 and 31-210 to allow the driveway located on West 12th Street less than 300-feet from the intersection, on University Avenue less than 300-feet from the intersection and on University Avenue less than 300-feet apart.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property contains 1.6 acres located at the northwest corner of University Avenue and 12th Street. The property is currently zoned I-2, Light Industrial District and was originally developed as the Brandon House furniture store. The application is proposed on Lot 1, University Park Preliminary Plat, which is a separate item on this agenda (S-71-D). Murphy USA is proposing to construct a

new 3,445 square foot convenience store with a stand-alone fuel canopy. 12-fueling stations (double sided for 24 pump locations) are proposed running parallel to South University Avenue. Included on the site plan are locations for ice units, vacuum stations and a propane pad. Access from University Avenue and 12th Street will be from a shared driveway looping around the site on the north and west perimeters of this lot. The developer is requesting variances from the typical driveway spacing criteria of the Subdivision and Master Street Plan ordinances.

B. EXISTING CONDITIONS:

The building located on this site was demolished late 2013. There is a significant slope from University Avenue extending upward to the University Park Subdivision located along the property's western boundary. This area contains a mixture of residential, commercial and office uses. There is a convenience store, with gas pumps, located to the south of this site and further south is a strip retail building containing a mixture of commercial uses including auto glass repair and a restaurant. East of the site is a multi-story office building and a retail business and northeast is a hotel, a multi-story office building and a mini-warehouse facility. Southeast of the site are commercial uses and a single-family subdivision, the Oak Forest Gardens Annex.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200-feet of the site along with the Broadmoor Property Owners Association, the Fair Park Residents Association, the Oak Forest Initiative Coalition, the Point O Woods Neighborhood Association and the University Park Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Right-of-way dedication should be made to the back of the existing sidewalk.
2. The proposed signs on University Avenue and 12th Street should be moved out of the 50-foot sight triangle.
3. Provide the proposed drive path of the fueling truck.
4. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction.

5. Stormwater detention ordinance applies to this property if previously installed. Show the proposed location for stormwater detention facilities on the plan.
6. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
7. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
8. Driveway locations on University Avenue and 12th Street do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. Show the existing street medians, driveways and streets on the other side of adjacent streets.
9. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
10. A pedestrian crosswalk with access ramps should be provided between the lots across the access and utility easement.
11. Label the bold line at the rear of the proposed building.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Caution there is an existing 3-phase overhead power line on the north side of the sidewalk paralleling West 12th Street. Installation of the proposed pylon sign and underground fuel tanks may cause clearance issues. Please contact Entergy in advance of construction to resolve these issues and to discuss service requirements.

Center-Point Energy: CenterPoint Energy (CNP) has natural gas facilities located along the northern Right-Of-Way for West 12th Street between Arthur Drive and South University Avenue. Please be advised that for File Z-1500-A, CNP facilities could potentially be in conflict with the proposed pylon sign. For File Z-1500-B, CNP facilities could potentially be in conflict with the proposed pylon sign and/or proposed underground fuel tanks. We advise that One-Call be called prior to any construction to locate CNP facilities.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

2. A water main extension will be needed to provide water service to this property.
3. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.
4. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
5. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
6. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
7. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
8. Contact Central Arkansas Water if additional fire protection or metered water service is required.
9. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.
10. The facilities on-site will be private. When meters are planned off private lines. Private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line agreement is required.

11. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone backflow preventer shall be required.
12. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department: Fire hydrants per code. Maintain access. All drives must be 26-feet in width. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Proposed site directly served by Routes #3, #17, #21 and #22. Bus stops at University and 10th at Park's Ride and University at 12th Southwest corner at Shell.

F. ISSUES/TECHNICAL/DESIGN:

Parks and Recreation: No comment received.

Building Code: Project is subject to full commercial plan review approval prior to issuance of a building permit. A fuel facility requires State permitting. For information on submittal requirements and the City of Little Rock review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.org or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the I-630 Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The applicant has applied for a rezoning from I-2 (Light Industrial District) to PDC (Planned District Commercial) to allow for the construction of a convenience store with gas pumps.

Master Street Plan: University Avenue is a Principal Arterial and 12th Street is a Minor Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians along both University Avenue and 12th Street since they are both Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: Class II Bike Lanes are shown along 12th Street. Class II Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. A minimum (15) foot wide buffer (6% of the average lot width) is required along University Avenue and the private drive to the west of the site.
3. Outside activities and appurtenances shall be screened from abutting properties and streets, Section 15-95. Screening Requirements. Propane pad, ice units, and vacuum unit shall be screened or relocated.
4. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
5. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum of seven and one half ($7 \frac{1}{2}$) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
6. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
7. A landscape irrigation system shall be required for developments of one (1) acre or larger.
8. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (June 4, 2014)

Mr. Joe White of White-Daters and Associates was present representing the request. Staff presented an overview of the development stating there were outstanding technical issues associated with the request. Staff questioned the location of the vacuum station, ice machine and propane exchange located along University Avenue. Staff also requested the applicant provide the total height

and total sign area proposed for ground signage. Staff questioned if there would be an area for outdoor dining on the site.

Public Works comments were addressed. Staff stated the sign location on 12th Street was located within the 50-foot sight triangle of the intersection of 12th and University Avenue. Staff also stated a grading permit was required prior to any construction on the site. Staff requested Mr. White provide cross access between this lot and the adjoining lots to ensure walkability between the development and the additional proposed parcels.

Landscaping comments were addressed. Staff stated a landscape strip was required between the building and paved area. Staff also stated the street buffer along University Avenue appeared to be deficient.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the June 4, 2014, Subdivision Committee meeting. The revised plan has relocated the vacuum station, ice machine and propane exchange away from the landscape area along South University Avenue, provided the proposed signage plan and stated there is not an area of outdoor dining.

The revised plan has provided cross access between the proposed lots and indicated the sign will not be located within the 50-foot sight triangle at the intersection of 12th Street and University Avenue. The revised plan also indicates building landscaping and parking lot landscaping to comply with the minimum ordinance requirements.

The request is a rezoning of this property currently zoned I-2, Light Industrial District to Planned Commercial Development to allow the construction of a Murphy USA convenience store with a 3,445 square foot building and a stand-alone fuel canopy. The site plan includes a fuel canopy running parallel to South University Avenue. The plan also includes a location for an ice unit, vacuum station and a propane pad adjacent to the building. Access to the site is from University Avenue and along 12th Street in the form of a shared driveway looping around the site on the north and west perimeters of this site.

The propane pad and ice units have been placed along the sidewalk on the front side of the building and on the southern side of the building. The vacuum unit is located within the landscape area along 12th Street behind the proposed building setback.

The request includes the placement of a fuel canopy with 12-pump islands and 24-fueling stations. The plat indicates the fuel canopy placed at 49-feet from the right of way on University Avenue and 78-feet from the right of way on 12th Street. The proposed site plan indicates a 40-foot platted building line along the two (2) streets.

The site plan indicates the placement of a pylon sign 36-feet in height and 160 square feet in area on both 12th Street and University Avenue. The signs are proposed at the driveway entrance on each street. The building facades proposed with signage are the southern and eastern facades located with street frontage and the northern façade located on the access drive. The northern and southern facades are proposed with the company name and logo. The front of the store will contain the company name and logo. The canopy signage is proposed along the University Avenue façade of the canopy covering 7.5-percent of the façade area. Canopy signage will also be placed on the north and south facades for visibility from the northern access drive and from 12th Street on the south. The signage is proposed at 20-percent of the northern and southern facades. The ordinance typically allows a maximum of 10-percent of the façade area to be covered with signage.

The general notes section of the site plan states the store will be open 24-hours per day 7-days per week. The hours of garbage collection are limited to 7 am to 6 pm. The dumpster is to be screened with an eight (8) foot opaque screening fence. The maximum building height proposed is 35-feet. All site lighting will be low level and directional, directed downward and into the site.

The request includes a variance from the typical driveway spacing criteria of the Subdivision and Master Street Plan ordinances. The ordinance states driveways are to be a minimum of 300-feet from intersections. The driveway located on 12th Street is located approximately 250-feet from the intersection of 12th Street and University Avenue and the driveway located on University Avenue is located approximately 260-feet from the intersection of 12th Street and University Avenue.

Staff is not supportive of the request. Staff feels the placement of a 24-hour convenience store at this location will cause a significant impact on the area. Recently there has been and continues to be a great deal of effort and financing going into the revitalization of the 12th Street corridor. The City just recently placed a substantial investment into the reconstruction of the Centre at University Park located two (2) blocks to the west. In addition, this location is in direct proximity to the entrances of the Broadmoor and University Park Neighborhoods. Also located within this general area are properties owned by Elizabeth Mitchell Child Center which provides assistance to the Center for Youth and Families. Located one block to the west on the corner of Cleveland and 12th Streets is a property owned by the YMCA and provides activities for youth and families. There is a daycare center located on the corner of Cleveland Street and Northmoore Drive. Staff feels the placement of this intense use in an

area that provides services to youth and at the primary entrance to two (2) single-family neighborhoods is inappropriate.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JUNE 26, 2014)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of denial.

Mr. Wayne Gibson, Murphy USA, addressed the Commission on the merits of the request. He stated the company was based on Eldorado, AR. He stated the Company was a Fortune 500 Company and intended to develop a quality product at this location. He stated the convenience store proposed was the large prototype store. He stated the store was near 3,500 square feet with a stand-alone fuel canopy. He stated the Company wanted a better presence in the Capitol City. He stated currently there was one (1) location in Little Rock, on Chenal Parkway. He stated the Chenal location was the simple kiosk type building. He stated the Company currently operated 1,222 sites in 23 states. He stated the Company did not franchise the locations. He stated the sites were monitored from Eldorado. He stated at any given time the employees in Eldorado could log on and look at a site in real time and view gas purchases, employee interaction with customers and activities taking place on the site.

Mr. Gibson stated convenience stores did not generate traffic. He stated they only harnessed existing traffic on the roadways. He stated there were 33,000 to 37,000 vehicles per day on University Avenue and 17,000 to 21,000 vehicles per day on 12th Street. He stated the business only wanted to capture a small amount of the existing traffic. He stated additional presence in the market makes the market more competitive.

Mr. Gene Pfeifer stated he dittoed his comments from the previous item (Z-1500-A). He addressed the Commission in support. He stated he owned the commercial property located across from this site which was currently being used by Street Cycle Gear. He stated it was difficult to sustain a commercial property across the street from a vacant building and now an empty lot. He stated vacant property was not conducive to businesses in the area. He stated he felt this was a nice project. He stated he felt the proposed buffers would aid the nearby neighborhood by reducing the noise from motorist along South University. He stated he felt the development as proposed was the best use for the property.

Ms. Pamela Powell addressed the Commission in opposition of the request. She stated she was not opposed to development but felt the development should be a better fit with the neighborhood. She stated the convenience store was a 24-hour store with 24-gas pumps. She stated with the business being open 24-hours there would be a great deal

of traffic in and out of the site, 24-hours per day. She stated 24-hour activity next to a neighborhood was too much.

Ms. Sandra Brown addressed the Commission in opposition of the request. She stated she was not opposed to development. She stated she sat on the Pulaski County Planning Commission. She stated the Commission was acting like the neighborhood should accept anything that was proposed as good development because it could be worse. She stated the residents of University Park always had to fight to keep their neighborhood. She stated the area was trying to hold on to the neighborhood. She stated a 24-hour development was not a good fit for a single-family neighborhood.

Ms. Eleanor Coleman addressed the Commission in opposition of the request. She stated she was President of the University Park Neighborhood Association. She stated the neighborhood was in support of the residents who were most impacted by the proposed development. She stated the neighborhood was concerned with crime in the area and the potential for increased crime with the 24-hour business. She stated this type business typically generated additional crime in an area. She stated the neighborhood would prefer something quiet to locate at this site.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated her concern was the business would be a nuisance, operating 24-hours per day 7-days per week. She stated the store would most likely sell beer. She stated there were a number of youth related activities taking place in the nearby vicinity. She stated the plan included a large amount of signage. She stated typically businesses which included a large amount of signage only caused themselves harm by creating visual clutter.

Mr. Gibson addressed the Commission stating it had been determined a 24-hour operation was safer than a closed business. He stated with activity and lighting would be criminals would go somewhere else to conduct their activities. He stated he pulled crime status from the City for the 12th Street area from Fair Park Boulevard to Rodney Parham Road and there were no incidents with convenience stores from November 2011 to the second week in June 2014. He stated convenience stores had a role and served a large amount of the population that did not want to go into a big box to pick up a convenience type item.

There was a general discussion by the Commission as to the proposed use of the property. Commissioner Nunnley stated the streets were principal and minor arterials. He stated there was a freeway located along University Park's northern boundary. He stated these streets were in place when the neighborhood was developed. He stated the City is growing and with growth comes traffic. The Commission stated the development was located at the intersection of a major arterial. Future development of commercial site is a consideration people should consider when making the purchase of their home. Commissioner Bubbis stated he wanted to clarify a comment that was made by one of the opponents. He stated the Commission did care about residents and

felt their role was critical in the decision making process. Commissioner Bubbis stated the Commission and residents did not always agree but the Commission did care about citizens and their concerns.

The chair entertained a motion for approval of the item including all staff recommendations and comments except that of denial. The motion carried by a vote of 9 ayes, 1 no and 1 absent.